

AMENDED IN ASSEMBLY MAY 23, 2013

AMENDED IN ASSEMBLY MAY 2, 2013

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 180

Introduced by Assembly Member Bonta

January 24, 2013

An act to amend Section 53071 of the Government Code, and to amend Section 25605 of the Penal Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 180, as amended, Bonta. Registration and licensing of firearms: ~~exclusive regulation by the Legislature.~~ *City of Oakland.*

Existing law states ~~the intention that it is the intent~~ of the Legislature to occupy the whole field of regulation of registration or licensing of commercially manufactured firearms ~~as encompassed by the Penal Code to the exclusion of all local regulations.~~ *and that provisions of existing law are exclusive of all local regulations relating to registration or licensing of commercially manufactured firearms, as specified.*

Existing law makes a person guilty of carrying a concealed firearm under specified circumstances. Existing law makes a person guilty of openly carrying an unloaded handgun when that person carries upon his or her person an exposed and unloaded handgun outside a vehicle while in or on specified locations. Existing law specifies that those provisions are not applicable to a person who carries any handgun anywhere within the person's place of residence, place of business, or on specified property. Existing law prohibits a permit or license to purchase a handgun from being required of any person to purchase,

own, possess, keep, or carry, a handgun within the person’s place of residence, place of business, or on specified property.

~~This bill would provide an exception to those provisions by authorizing~~ *authorize* the City of Oakland to enact an ordinance or regulation, *applicable solely to its residents and in accordance with federal law*, that is more restrictive than state law regulating the registration or licensing of commercially manufactured firearms—~~as encompassed by the Penal Code and make conforming changes. The bill would also provide that those provisions relating to the carrying of a handgun within the person’s place of residence, place of business, or on specified property do not affect the application of the aforementioned authorization to the City of Oakland.~~

This bill would make legislative findings and declarations regarding the need for special legislation.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 53071 of the Government Code is
2 amended to read:

3 53071. (a) It is the ~~intention~~ *intent* of the Legislature to occupy
4 the whole field of regulation of the registration or licensing of
5 commercially manufactured firearms as encompassed by the
6 provisions of the Penal Code, and such provisions shall be
7 exclusive of all local regulations, relating to registration or
8 licensing of commercially manufactured firearms, by any political
9 subdivision as defined in Section 1721 of the Labor Code.

10 (b) Notwithstanding subdivision (a), the City of Oakland may
11 enact an ordinance or regulation, *applicable solely to its residents*
12 *and in accordance with federal law*, that is more restrictive than
13 state law regulating the registration or licensing of commercially
14 manufactured firearms as encompassed by the Penal Code.

15 SEC. 2. Section 25605 of the Penal Code is amended to read:

16 25605. (a) Section 25400 and Chapter 6 (commencing with
17 Section 26350) of Division 5 shall not apply to or affect any citizen
18 of the United States or legal resident over the age of 18 years who
19 resides or is temporarily within this state, and who is not within
20 the excepted classes prescribed by Chapter 2 (commencing with
21 Section 29800) or Chapter 3 (commencing with Section 29900)

1 of Division 9 of this title, or Section 8100 or 8103 of the Welfare
2 and Institutions Code, who carries, either openly or concealed,
3 anywhere within the citizen's or legal resident's place of residence,
4 place of business, or on private property owned or lawfully
5 possessed by the citizen or legal resident, any handgun.

6 (b) A permit or license to purchase, own, possess, keep, or carry,
7 either openly or concealed, shall not be required of any citizen of
8 the United States or legal resident over the age of 18 years who
9 resides or is temporarily within this state, and who is not within
10 the excepted classes prescribed by Chapter 2 (commencing with
11 Section 29800) or Chapter 3 (commencing with Section 29900)
12 of Division 9 of this title, or Section 8100 or 8103 of the Welfare
13 and Institutions Code, to purchase, own, possess, keep, or carry,
14 either openly or concealed, a handgun within the citizen's or legal
15 resident's place of residence, place of business, or on private
16 property owned or lawfully possessed by the citizen or legal
17 resident.

18 (c) This section shall not be construed as affecting the
19 application of Sections 25850 to 26055, inclusive.

20 (d) This section shall not be construed as affecting the
21 application of subdivision (b) of Section 53071 of the Government
22 Code.

23 *SEC. 3. The Legislature finds and declares that a special law*
24 *is necessary and that a general law cannot be made applicable*
25 *within the meaning of Section 16 of Article IV of the California*
26 *Constitution because the City of Oakland is suffering from the*
27 *worst gun violence among cities in the state, with 131 homicides*
28 *and over 4,000 gun-related crimes in 2012.*